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and Lizbeth Estrada*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEVIN ALEXANDER, an individual; and
ALMA ALEXANDER, an individual,

Plaintiffs,

v.

THE CROIX TOWNHOMES LLC, a Nevada
limited liability company; GAINES
INVESTMENT TRUST, a limited liability
company; DONALD B. GAINES, CO
TRUSTEE of the GAINES INVESTMENT
TRUST; PAM GAINES, CO-TRUSTEE of the
GAINES INVESTMENT TRUST; LIZBETH
ESTRADA, an individual; DOE INDIVIDUALS
I through X; and ROE BUSINESS ENTITIES I
through X, inclusive.

Defendants.

CASE NO.: 2:22-cv-02051-CDS-EJY

**STIPULATION AND ORDER TO STAY
DISCOVERY**

(FIRST REQUEST)

Defendants The Croix Townhomes LLC (“Croix”), Donald B. Gaines, Co-Trustee of the
Gaines Investment Trust (“D. Gaines”), and Lizbeth Estrada (“Estrada”) (collectively,
“Defendants”), by and through the law firm of Holley Driggs, and Plaintiffs Kevin Alexander and
Alma Alexander (together, “Plaintiffs”), by and through the law firm of Alexis Brown Law, Chtd.,
hereby STIPULATE and agree as follows:

1. Defendants removed this action to federal court from Clark County District Court
(the “District Court”) on December 9, 2022. *See* (ECF No. 1).

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2. On January 9, 2023, Plaintiffs filed a motion to remand this action to District Court (ECF No. 13). That motion has since been fully briefed by the parties and awaits adjudication by the Court.

3. On January 23, 2023, Defendants filed a special anti-SLAPP motion to dismiss pursuant to NRS 41.660. (ECF No. 17). That motion is set to be fully briefed on or before March 7, 2023. *See* (ECF No. 23) (Order granting extension of time for Defendants to file reply in support of ECF No. 17).

4. No discovery plan or scheduling order has been adopted by the Court in this action as of the date of this stipulation.

5. “Courts have broad discretionary power to control discovery.” *Estate of Evans v. Kinecta Fed. Credit Union*, 213CV01160GMNCWH, 2014 WL 12790972, at *1 (D. Nev. June 27, 2014) (citation omitted). However, the “mere fact that parties stipulate to a stay does not limit the Court’s discretion to order a stay.” *Id.* “Courts generally insist on a particular and specific demonstration of fact as opposed to merely conclusory statements that a stay is warranted.” *Id.* at *2.

6. “[P]reliminary issues such as jurisdiction, venue, or immunity are common situations that may justify a stay.” *Id.* Courts in this district have granted stipulations to stay discovery in instances where a motion to remand and/or a motion to dismiss is pending. *See, e.g., Wood v. Nautilus Ins. Group*, 217CV02393MMDCWH, 2017 WL 4682779, at *1 (D. Nev. Oct. 18, 2017) (“IT IS ORDERED that discovery is STAYED pending the court's rulings on the motions to dismiss and to remand.”); *Abbott v. Apple, Inc.*, 222CV00423RFBBNW, 2023 WL 319863, at *1 (D. Nev. Jan. 19, 2023) (“the parties filed a Stipulation to Stay Discovery, pending a decision on the Motion to Dismiss. ECF No. 27. Magistrate Judge, Brenda Weksler, granted the Stipulation to Stay Discovery”).

7. Here, the parties agree in good faith that a stay of discovery is warranted to conserve time and resources of the parties by avoiding undue expense and procedure before a tribunal that may not ultimately retain jurisdiction over the case as a whole, or over certain claims that Defendants have argued are subject to dismissal. The parties desire to know whether—or the extent

to which—this Court will retain jurisdiction over the Plaintiffs’ claims before proceeding with potentially costly and time-consuming discovery in this matter. Accordingly, the parties respectfully request a stay of discovery until such time as the Court has issued a decision in connection with the pending motions (ECF Nos. 13 and 17).

IT IS SO STIPULATED.

DATED this 1st day of March, 2023.

HOLLEY DRIGGS

/s/ F. Thomas Edwards

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Lizbeth Estrada*

DATED this 1st day of March, 2023.

ALEXIS BROWN LAW, CHTD.

/s/ Alexis L Brown

ALEXIS L. BROWN, ESQ.

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Attorney for Plaintiffs

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: March 2, 2023